

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
15 JANUARY 2014

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 15 January 2014 at 10.00am.

Present: Councillors B Band, H Anderson, M Barnacle, I Campbell, D Cuthbert, D Doogan (substituting for Councillor T Gray), J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle, L Simpson (substituting for Councillor A Gaunt) and G Walker.

In Attendance: N Brian, A Condliffe, J Thomson and G Peebles (all The Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Apologies: Councillors T Gray and A Gaunt.

Councillor B Band, Vice-Convenor, Presiding.

1. WELCOME AND APOLOGIES

The Convenor welcomed everyone to the meeting and apologies were noted as above.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

3. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 17 December 2013 (Arts. 756-760) was submitted, approved as a correct record and authorised for signature.

4. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No
13/01823/FLM	5(1)(i)
13/01425/FLL	5(2)(ii)

Due to an administrative error, a request for a deputation from Mr P Symon as an objector to the application and also on behalf of Errol Community Council as objectors to Application No. 13/01823/FLM, was not notified to the Committee for consideration.

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 13/01823/FLM – ERROL – Variation of Condition No 1 of planning consent (05/02418/IPM) – to extend the time limit for a further 3 years at Morris Leslie, Errol Airfield, Grange, Errol, Perth, PH2 7TB – Morris Leslie Ltd – Report 14/1A**

Mr R Hynd, agent on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors B Band and H Anderson) – Grant, as per the recommendation contained in Report 14/1A, namely, to extend the time limit for another 2 years only.

Amendment (Councillors C Gillies and A Livingstone) – Grant variation of Condition No 1 of planning consent (05/02418/IPM) to extend the time limit for a further 3 years at Morris Leslie, Errol Airfield, Grange, Errol, Perth, PH2 7TB with the exception of condition 1(i) as undernoted.

- 1. The reserved matters relating to planning approval 05/02418/IPM shall be submitted for the approval of the Planning Authority in the form of a written application accompanied by detailed plans not later than:-**

- (i) the expiration of 6 years from the date of the original grant of outline planning permission dated the 11 October 2010.**
- (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or**
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;**

whichever is the latest.

Justification

The proposal is considered to be contrary to the Development Plan however there are material reasons which justify approval of the application in terms of the previous approval.

Informatives

- 1. The conditions contained in planning permission notice ref. 05/02418/IPM dated 10 October 2010 in respect of the planning in principle consent for the sustainable village at land at Errol Airfield, Errol shall remain in place, except only insofar as expressly**

modified by Condition No. 1 attached to this planning permission notice.

2. **Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.**

In accordance with Standing Order 44, a roll call vote was taken.

7 Members voted for the Amendment as follows:
Councillors D Doogan, M Barnacle, D Cuthbert, L Simpson, J Giacomazzi, C Gillies and A Livingstone.

5 Members voted for the Motion as follows:
Councillors B Band, H Anderson, I Campbell, M Lyle and G Walker.

Amendment – 7 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

(2) Local Applications

- (i) **13/01398/FLL – BLAIRMORE FARM, FOWLIS WESTER – Conversion, alteration and extension of steading to form 7 self-contained holiday lets at Blairmore Farm, Fowlis Wester – Mrs A Clark – Report 14/2A**

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. The seven self-catering holiday units hereby approved shall be used solely for temporary holiday accommodation and shall not be occupied as the sole or main residence of any occupant.
3. No external lighting shall be installed without prior approval from the Council as Planning Authority.
4. Development should not begin until the applicant or their agent has submitted to and have had approved in writing by the Planning Authority, a ground investigation and reclamation statement that has identified any areas of contamination. This should include those areas that will form the garden. Ground conditions should be assessed

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in relation to the protection of the occupants, building fabric and the wider environment. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British Standards.

5. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
6. The gradient of the access shall not exceed 3% for the first 6 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
7. Visibility splays of 2.4m x 70m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the U6 prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
8. The existing vehicle access track leading from the development south to the trunk road shall be permanently closed off at a suitable point to motorised vehicles; details of which shall be agreed in writing with the Planning Authority and in consultation with Transport Scotland. The agreed methodology and point of closure shall thereafter be implemented in perpetuity, prior to the completion or occupation and/or use of the development.
9. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
10. All existing trees on the site shall be retained and protected in accordance with BS 5837:2012 "Trees in relation to Design, Demolition and Construction" to the satisfaction of the Planning Authority. Approved Tree Protection measures shall not be removed, breached or altered without prior written authorisation from the local Planning Authority but shall remain in a functional condition throughout the entire development or as per the phasing plan relating to the delivery of the proposed access. If such protection measures are damaged and no longer provide an effective function then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.
11. The detailed landscaping and planting scheme for the site which is hereby approved shall be implemented as part of

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- the site development programme and thereafter maintained.
12. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
 13. Any tree loss (as identified on plan 13/01398/13 and supporting images 13/01398/13 a, b and c) shall be directly replaced with suitable agreed alternatives, within the remainder of the copse; planted prior to the completion of the development.
 14. The conclusions and recommended action points from the supporting biodiversity survey (dated September 2013 - plan reference 13/01398/11) shall be fully adhered, respected and undertaken as part of the construction phase of development.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

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5. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
9. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
10. The applicant is advised to contact Perth and Kinross Environmental Services Waste Team in relation to ensuring sustainable waste requirements and associated servicing can be achieved for this site.
11. The applicant is advised that prior to any work being carried out, they will require to obtain a licence from Scottish Natural Heritage (SNH) in relation to disturbing protected species.

(ii) 13/01425/FLL – SCOTLANDWELL – Modification of existing consent (10/00134/FLL) Change of house type (Plot 2) and change of use from agricultural ground into garden ground at Kilmagadwood, Scotlandwell – Mr J Verden-Anderson – Report 14/3A

Mrs T K Verden-Anderson, on behalf of the applicant, addressed the Committee, and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

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1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to commencement of work on site details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority.
3. The landscaping of the site shall be carried out in accordance with the landscaping plan which was approved under application 10/00134/FLL. Further details are required prior to commencement of work of the landscaping for the south west corner of the site which incorporates former farmland for the approval of the Planning Authority.
4. During construction work on the site the applicant shall ensure that the communal access road to the A911 shall not be obstructed to other users by construction materials or plant.
5. A minimum of two parking spaces shall be provided within the curtilage of each site to the satisfaction of the Planning Authority prior to the occupation of the relevant dwellinghouses approved herewith and shall be maintained permanently thereafter.
6. Turning facilities shall be provided within the site, prior to the occupation of the units, to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority and shall be permanently maintained thereafter.
7. The first floor window to the play room on the rear elevation closest to plot 1 shall be obscurely glazed and permanently maintained so.
8. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.
9. No trees either within the site or on any adjacent boundary shall be removed without the prior written approval of the Planning Authority.
10. The dwelling hereby approved shall not be occupied until such time as the access serving this development from the A911 has been fully completed to the satisfaction of the Planning Authority.

Justification

The proposal is considered to generally comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

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Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

(iii) 13/01912/FLL – AUCHTERARDER – Erection of 2 dwellinghouses (Modification of (06/00668/FUL to subdivide plot 8) Land between Abbotsfield Terrace and Montrose Road, Auchterarder – Glendevon Construction Ltd – Report 14/4

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
3. A landscaping plan shall be submitted for the approval of the Planning Authority prior to commencement of development. The approved plan shall be implemented during the first planting season following the completion of the house and thereafter the landscaped areas shall be maintained in accordance with the approved programme.
4. Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development and such scheme as may be approved shall be completed prior to the occupation of the development.

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5. Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations which would justify a departure therefrom.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.

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